Remarks

Claims 1-20 are pending in the application.

Claims 1, 3, 5 and 7 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 4, 6 and 9 of U.S. Patent No. 6,604,224 in view of Mendelson et al. (US 5,561,791, hereinafter Mendelson) and the ISO/IEC 13818-1 Standard (hereinafter ISO/IEC).

Claims 1, 3-8, 11 and 13-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mendelson in view of ISO/IEC and Neel et al. (US 5,838,314, hereinafter Neel).

Claims 2 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mendelson in view of ISO/IEC and Neel and further in view of Mourad (US 5,678,061, hereinafter Mourad).

Claims 9 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mendelson in view of ISO/IEC and Neel and further in view of Ghodrat et al. (US 6,717,947, hereinafter Ghodrat).

Claims 10 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mendelson in view of ISO/IEC and Neel and further in view of Anderson et al. (US 6,275,507 B1, hereinafter Anderson).

Each of the various rejections and objections are overcome by amendments that are made to the specification, drawing, and/or claims, as well as, or in the alternative, by various arguments that are presented.

Any amendments to any claim for reasons other than as expressly recited herein as being for the purpose of distinguishing such claim from known prior art are not being made with an intent to change in any way the literal scope of such claims or the range of equivalents for such claims. They are being made simply to present language that is better in conformance with the form requirements of Title 35 of the United States Code or is simply clearer and easier to understand than the originally presented language. Any amendments to any claim expressly made in order to distinguish such claim from known prior art are being made only with an intent to change the literal scope of such claim in the most minimal way, i.e., to just avoid the prior art in a way that leaves the claim novel and

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not obvious in view of the cited prior art, and no equivalent of any subject matter remaining in the claim is intended to be surrendered.

Also, since a dependent claim inherently includes the recitations of the claim or chain of claims from which it depends, it is submitted that the scope and content of any dependent claims that have been herein rewritten in independent form is exactly the same as the scope and content of those claims prior to having been rewritten in independent form. That is, although by convention such rewritten claims are labeled herein as having been "amended," it is submitted that only the format, and not the content, of these claims has been changed. This is true whether a dependent claim has been rewritten to expressly include the limitations of those claims on which it formerly depended or whether an independent claim has been rewritten to include the limitations of claims that previously depended from it. Thus, by such rewriting no equivalent of any subject matter of the original dependent claim is intended to be surrendered. If the Examiner is of a different view, he is respectfully requested to so indicate.

Double Patenting Rejection

Claims 1, 3, 5 and 7 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 4, 6 and 9 of U.S. Patent No. 6,604,224 in view of Mendelson and ISO/IEC.

Since a double patenting rejection depends on the claims of the application, until Applicants have claims that are allowable but for the double patenting rejection, Applicants cannot evaluate the correctness of any suggested double patenting rejection. As such, Applicants also cannot determine any arguments that might be put forth against the suggested double patenting rejection. Therefore, as this double patenting rejection is premature, Applicants will address such a ground of rejection once all other grounds of rejection are overcome.

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Rejection Under 35 U.S.C. 103(a)

Claims 1, 3-8, 11 and 13-18

Claims 1, 3-8, 11 and 13-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mendelson in view of an ISO/IEC specification and Neel. The rejection is traversed. The Applicants' claim 1 recites:

A method for providing content-on-demand, comprising:

dividing a content stream in to a plurality of extents containing packetized information appropriate to a temporal period represented by each extent; and

associating with each extent, extent data comprising a plurality of content data packets, and an extent trailer comprising a unique content identifier, a logical extent number, a track-type identifier, and a circular redundancy check.

Mendelson fails to teach or suggest Applicants' independent claim 1, as a whole. The Examiner concedes on Page 5 of Examiner's Office Action dated March 13, 2008 ("Office Action") that "Mendelson does not teach the specific fields of the trailer", comprising a unique content identifier, a logical extent number, a track-type identifier, and a circular redundancy check, as claimed in Applicants' independent claim 1. To bridge this substantial gap between Mendelson and Applicants' independent claim 1, the Examiner asserts the ISO/IEC specification and Neel to purportedly cure the deficiencies of Mendelson set forth above as it relates to claim 1.

ISO/IEC, alone or in combination with Mendelson, fails to teach or suggest Applicants' independent claim 1, as a whole. In general, ISO/IEC discloses a method of encoding of elementary streams of video and audio into single or multiple streams suitable for transmission. ISO/IEC, like Mendelson, fails to teach or suggest at least the claimed element of an extent trailer comprising a unique content identifier, a logical extent number, a track-type identifier, and a circular redundancy check, as claimed in Applicants' independent claim 1. Rather, although ISO/IEC discloses a Packetized Elementary Stream (PES) packet header comprising a plurality of information fields, including a "stream_id" field, said stream id is separate and distinct from the unique content identifier, as claimed by the Applicants. The stream id field "specifies the type and number of the elementary stream" (emphasis added). See ISO/IEC, page 36. An elementary stream is "one of the coded video, coded audio, or other coded bit streams" that comprise a work of audiovisual

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content, wherein "one elementary stream is carried in a sequence of PES packets with one and only one stream_id." See ISO/IEC, page 4. In other words, the stream id field indicates the elementary stream with which a given PES packet is associated. ISO/IEC fails to teach or suggest an identifier used to uniquely identify the content as a whole (e.g. distinguishing the content of an adult program from those of a juvenile program). See Applicants' Specification, paragraph 39. Thus, ISO/IEC fails to teach or suggest the claimed element of an extent trailer comprising a unique content identifier, a logical extent number, a track-type identifier, and a circular redundancy check, as claimed in Applicants' independent claim 1.

Furthermore, the Examiner submits that "it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the PES header fields taught by ISO into the protocol data unit (PDU) taught by Mendelson for the benefit of having all the necessary information to reconstruct a TS packet that is in accordance with the widely accepted ISO standard for MPEG systems." Office Action, Page 5. However, the claimed fields of the extent trailer are used by the Applicants' invention to assure content integrity on an extent-by-extent basis. The claimed fields of the extent trailer do not duplicate the information stored by the PES headers included in the TS packets. The Applicants submit that the information contained in the extent trailer cannot be used by the Applicants' invention for reconstructing TS packets contained within PDUs as referenced in Mendelson. The benefit of "having all the necessary information to reconstruct a TS packet", as asserted by the Examiner, cannot be enjoyed by the Applicants. As such, a *prima facie* case of obviousness has not been established because there is no motivation to modify Mendelson with the teachings of ISO/IEC in the manner suggested by the Examiner since any such modification would render Mendelson unsatisfactory for its intended purpose.

Neel alone or in combination with Mendelson and ISO/IEC, fails to teach or suggest Applicants' independent claim 1, as a whole. Specifically, Neel fails to cure the substantial gap left by Mendelson and ISO/IEC. Thus, since Mendelson, ISO/IEC and Neel each fails to teach or suggest the claimed element of an extent trailer comprising a unique content identifier, a logical extent number, a track-type identifier, and a circular

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redundancy check, any conceivable combination of Mendelson, ISO/IEC and Neel (assuming such combination is even possible, which Applicants maintain it is not) must also fail to teach or suggest associating with a plurality of extents, extent data comprising a plurality of content data packets, and an extent trailer comprising a unique content identifier, a logical extent number, a track-type identifier, and a circular redundancy check, as claimed in Applicants' independent claim 1. Thus, Mendelson, ISO/IEC and Neel, alone or in combination, fail to teach or suggest Applicants' independent claim 1, as a whole.

Applicants' independent claim 11 recites relevant limitations similar to those recited in independent claim 1 and, therefore, for at least the same reasons discussed above, Mendelson, ISO/IEC and Neel, alone or in any permissible combination, fail to teach or suggest Applicants' independent claim 11 as a whole. Furthermore, since all of the dependent claims that depend from independent claims 1 and 11 include all the limitations of the respective independent claim from which they ultimately depend, each such dependent claim is also allowable over Mendelson, ISO/IEC and Neel under 35 U.S.C. 103.

As such, Applicants' claims 1, 3-8, 11 and 13-18 are allowable under 35 U.S.C. 103(a) over Mendelson in view of ISO/IEC and Neel. Therefore, the Examiner's rejection should be withdrawn.

Claims 2, 9, 10, 12, 19, 20

Claims 2 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mendelson in view of ISO/IEC and Neel and further in view of Mourad. Claims 9 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mendelson in view of ISO/IEC and Neel and further in view of Ghodrat. Claims 10 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mendelson in view of ISO/IEC and Neel and further in view of Anderson. The rejections are traversed.

These grounds of rejection apply only to dependent claims, and are predicated on the validity of the rejection under 35 U.S.C. 103 given Mendelson in view of ISO/IEC and Neel. Since the rejection under 35 U.S.C. 103 given Mendelson in view of ISO/IEC and

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Neel has been overcome, as described hereinabove, and there is no argument put forth by the Office Action that the additional references supply that which is missing from Mendelson in view of ISO/IEC and Neel to render the independent claims obvious, these grounds of rejection cannot be maintained.

As such, claims 2 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mendelson in view of ISO/IEC and Neel and further in view of Mourad; claims 9 and 19 are patentable under 35 U.S.C. 103(a) over Mendelson in view of ISO/IEC and Neel and further in view of Ghodrat; claims 10 and 20 are patentable under 35 U.S.C. 103(a) over Mendelson in view of ISO/IEC and Neel and further in view of Anderson. Therefore, the Examiner's rejections should be withdrawn.

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Conclusion

It is respectfully submitted that the Office Action's rejections have been overcome and that this application is now in condition for allowance. Reconsideration and allowance are, therefore, respectfully solicited.

If, however, the Examiner still believes that there are unresolved issues, he is invited to call Eamon Wall at (732) 530-9404 so that arrangements may be made to discuss and resolve any such issues.

Respectfully submitted,

Dated: ___6/13/08___   _____
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